

REMARKS

Claims 1, 3-11, 13-21 and 23-29 were examined in the Final Office Action dated November 28 2006. All the claims were rejected. By virtue of this response, claims 1, 11, and 21 are sought to be amended, claims 30-35 are sought to be added, and claims 3, 13, and 23 are sought to be canceled. The amendments, additions and cancellations are believed not to introduce new matter and their entry is respectfully requested. Claims 1, 4-11, 14-21 and 24-35 are thus presented for reconsideration.

Telephone Interview

As noted above, a telephone interview was conducted with Examiners Wong and Dwivedi on February 26, 2007. It was unclear whether Examiner To was also present during the interview, and the undersigned representative apologizes for the same. Applicants and the undersigned representatives express appreciation on record for granting the telephone interview on a short notice as well as in the after final stage.

The undersigned representative reviewed the relevant portions of United States Publication Number 2004/0103215 naming as inventor Ernst *et al* (hereafter "Ernst") to note that the processing load there is not checked remotely on client 120/210. The Examiners appeared to agree that positive recitation of a parallel feature in the claims would overcome Ernst.

The applicant is believed to have met the burden of making of record the Substance of the Interview. The Examiner is respectfully requested to send a duly completed Interview Summary form PTOL 413 if one has not been sent already. See MPEP 713.04 for further clarification.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 4-6, 8-12, 14-16, 18-21, 24-26 and 28-29 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Ernst. The rejections is believed to be rendered moot in view of the foregoing amendments.

In particular, currently amended claim 1 is believed to be allowable over Ernst in reciting that, "... ***determining in said first end system*** whether to send said data in a compressed format; ... wherein said ***determining checks a processing load on said second end system***, and determines not to send said data in said compressed format ***if the processing load on said second end system*** is determined to be more than a first threshold." (*Emphasis Added*)

From the above, it may be appreciated that load on a second end system (remote system) is checked from a first end system (local system), and thus currently amended independent claim 1 is believed to be allowable over the art of record in view of the agreement reached in the telephone interview. Currently amended independent claims 11 and 21 are also allowable over the art of record for similar reasons.

Claims 4-10, 30 and 31 are allowable at least as depending from an allowable base claim 1. Claims 14-20, 32 and 33 are allowable at least as depending from an allowable base claim 11. Claims 24-30, 34 and 35 are allowable at least as depending from an allowable base claim 21.

New claim 30 is independently allowable in reciting that, "... determining checks said processing load on said second end system periodically including at a first time instance and then at a second time instance, and ***determines not to send data in said compressed format between said first time instance and said second time instance if the processing load at said first time instance is more than said first threshold.***" (*Emphasis Added*).

The Examiner appears to concede (see Page 18, point 6 of the Final Office Action dated November 28 2006) that checking load periodically is not taught or suggested by Ernst in rejecting now canceled claim 3, and instead relies on US Patent Number 7,043,524 issued to Shah *et al.*

It is respectfully asserted that Shaw and Ernst, either individually or in combination, do not teach the above emphasized portion of new claim 30. Accordingly, claim 30 is believed to be independently allowable over the art of record.

Previously presented claim 8 is allowable in reciting, "... said speed is determined by including *a first local time stamp in a packet sent to said second end system*, and receiving *a second time stamp and a third time stamp* from said second end system at a time specified by *a fourth local time stamp*, wherein said second time stamp indicates a time at which said packet is received in said second end system and said third time stamp indicates a time at which said packet is sent from said second end system, wherein said speed is determined based on said first local time stamp, said second time stamp, said third time stamp, and said fourth time stamp." (*Emphasis Added*)

Thus, previously presented claim 8 recites four time stamps, with the second time stamp indicating a time at which the packet is received in the second end system, the third time stamp indicating the time at which the packet is sent from the second end system, the fourth time stamp indicating a local time at which the packet is received in the first end system, and the first time stamp also being a local time stamp of the first end system included in the packet when sending.

Accordingly it is asserted that all the four time stamps relate to determining speed while using a single packet.

Even assuming arguendo that the claimed speed is the same as "transmission rate" in Ernst, relied upon in the Outstanding Office Action, it is respectfully noted that Ernst does not teach the specific way of determining the transmission rate. In support of the assertion, Applicants first quote the relevant portion of Ernst relied upon by the Examiner:

"Next, the time needed to transmit the compressed data object based on the transmission rate calculated in accordance with block 400 of FIG. 4 and recorded in connection database 700 is determined (block 905). A similar calculation is performed to determine the time needed to transmit the uncompressed data object

(block 910)" (Paragraph 25).

Applicants do not find references to the claimed time stamps in the text above for proper anticipation under 35 U.S.C. § 102 (e).

5 Thus, previously presented claim 8 is believed to be allowable over the art of record. Claims 18 and 28 are also believed to be allowable over the art of record for similar reasons.

Conclusion

10 Thus, all the objections and rejections are believed to be overcome, at least in view of the above remarks. Withdrawal of the final rejection and continuation of examination is respectfully requested. The Examiner is invited to telephone the undersigned representative if it is believed that an interview might be useful for any reason.

Respectfully submitted,

/Narendra Reddy Thappeta/

Signature

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